Australian Government
Australian Public Service Commission

Hannah
By email: foi+request-8602-fa291182@righttoknow.org.au

Our reference: <SHC22-4697>

Dear Hannah

Freedom of Information request

1. I am writing about your Freedom of Information (FOI) request under the *Freedom of Information Act 1982* (FOI Act) made on 13 March 2022 for access to documents held by the Australian Public Service Commission (Commission).

2. The FOI Act and all other Commonwealth legislation referred to in this letter are publicly available from www.legislation.gov.au.

Documents relevant to your request

3. You requested access to documents in the following terms:

   "…..

   Since there was a finding that provisions of the Public Service Act were contravened by people in the Federal Court, I would like access to documents recording recommendations for sanctions for, or sanction applied to, those public servants in the Federal Court of Australia who were found by Ms McMullan to have contravened provisions of the Public Service Act in relation to the promotion of the female national registrar.

   Please do not redact the name/s of the person/s held responsible. Please do not redact any recommendations for sanctions, or any sanctions applied."

Decision on your FOI request

4. I am authorised under subsection 23(1) of the FOI Act to make FOI decisions.

5. Subsection 24A(1) of the FOI Act provides that an agency may refuse a request for access to a document if the agency is satisfied that all reasonable steps have been taken to find the document and the agency is satisfied that the document does not exist.

6. I am satisfied that all reasonable steps have been taken to find any document relevant to your request. No documents were found. I have therefore decided to refuse your request for access under section 24A of the FOI Act.

7. Under the *Public Service Act 1999*, sanctions may be imposed by an Agency Head where an APS employee in an Agency is found to have breached the APS Code of Conduct.

Contacts

8. If you require clarification on matters in this letter please contact the Commission's FOI Officer by telephone on (02) 6202 3500 or by email at foi@apsc.gov.au.

Review rights

9. You are entitled to seek review of this decision. Your review rights are set out at **Attachment A**.

Yours sincerely

Giorgina Strangio

Authorised FOI decision maker

23 March 2022

Rights of Review

Asking for a full explanation of a Freedom of Information decision

If you are dissatisfied with this decision, you may seek review. Before you seek review of a Freedom of Information (FOI) decision, you may contact us to discuss your request and we will explain the decision to you.

Seeking review of a Freedom of Information decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (the FOI Act) gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by seeking:

1. an internal review by an different officer of the Australian Public Service Commission; and/or
2. external review by the Australian Information Commissioner.

There are no fees applied to either review option.

Applying for a review by an Internal Review Officer

If you apply for internal review, a different decision maker to the departmental delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be made in writing within 30 days of receiving this letter to:

Email: foi@apsc.gov.au

Post: The FOI Officer
Australian Public Service Commission
B Block, Treasury Building
GPO Box 3176
Parkes Place West
PARKES ACT 2600

You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original FOI decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision. You have 60 days to apply in writing for a review by the Office of the Australian Information Commissioner (the OAIC) from the date you received this letter or any subsequent internal review decision.

You can **lodge your application**:

Online: **www.oaic.gov.au**

Post: Australian Information Commissioner

GPO Box 5218

SYDNEY NSW 2001

Email: enquiries@oaic.gov.au

The OAIC encourage applicants to apply online. Where possible, to assist the OAIC you should include your contact information, a copy of the related FOI decision and provide details of your reasons for objecting to the decision.

Complaints to the Information Commissioner and Commonwealth Ombudsman

Information Commissioner

You may complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. The Information Commissioner's contact details are:

Telephone: 1300 363 992

Website: www.oaic.gov.au

Commonwealth Ombudsman

You may complain to the Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Ombudsman may be made in person, by telephone or in writing. The Ombudsman's contact details are:

Phone: 1300 362 072

Website: www.ombudsman.gov.au